

in class 360, subclass 97.01+. Applicants respectfully request that the Restriction requirement be withdrawn and that both Groups be examined together for at least the following reasons.

Group I and Group II are not related as product and process of use because Group II is not directed to a process of use. Rather, Group II is directed to a magnetic recording device. Further, even assuming arguendo that Group II is directed to a process of use, Applicants do not understand the examiner's comment regarding a read only head.

Applicants respectfully assert that Group II is a combination, and that Group I is a subcombination of Group II. However, the examiner has not shown that Group II has utility either by itself or in other and different relations.

Moreover, the search and examination of both groups would not pose a serious burden upon the Examiner because there are a number of claimed elements that are common to both Groups. See MPEP § 803.01. For example, both Groups require a search for a magnetic recording medium comprising a nonmagnetic glass or silicon substrate having non-oriented irregularities on a surface thereof, and, having applied thereon in the following order (1) an underlayer which comprises a second underlayer consisting of nickel and phosphorus and a third underlayer containing chromium as a principal component thereof which are formed in the described order, in the presence or absence of a first underlayer containing chromium as a principal component thereof, on the substrate, and (2) a magnetic recording layer which has a circumferential direction of easy magnetization and contains chromium and platinum in combination with tantalum or tantalum and niobium. Given the common elements of the two Groups, the examination and search required for Groups I and II is not substantially

different than the examination and search required for Group I only. Therefore, once Group I has been searched and examined, there would be no serious burden imposed upon the Examiner by examining Group II because most of the claimed features would have already been considered when examining Group I.

For at least the reasons discussed above, Applicants respectfully request that the Restriction requirement be withdrawn.

Respectfully submitted,

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